A Bill to amend the Cochin Code of Criminal Procedure.

President.—The next item of business is the 'Bill to amend the Cochin Code of Criminal Procedure'. The Law Member will move it.

Mr. K. Achyuta Menon.—Sir, I beg to move that the 'Bill to amend the Cochin Criminal Procedure Code' be read in Council.

Mr. T. K. Krishna Menon.—I beg to second it.

Mr. K. Achyuta Menon.—The object of the Bill is to introduce into the Criminal Procedure Code a provision that is existing in the British Code, in the absence of which there is inconvenience sometimes, whenever a property is taken possession of in connection with a criminal case. There is no provision now for entrusting those properties on *kychits*. A case actually arose in regard to the return of properties which were entrusted on *kychits*, and the party entrusted with them was asked to return. He said that the court had no power, and rightly, because there is no such provision here. In order to get rid of that difficulty, it is proposed to introduce a provision. I do not think that there will be any serious objection to this Bill.

Dr. A. G. Menon.—Just to show our approval, I beg to second that.

President.—That has been already seconded by Mr. T. K. Krishna Menon. We are all agreed. No opposition. Do you like to make any observations, Mr. Raman Menon ?

Dr. A. G. Menon.—He is one of us.

Mr. M. Krishna Menon.—We Independents have also agreed.

President.—You shall not be justified in calling yourself independent. If there is a party like the Independent Party, one may represent it. Otherwise you will have no right to represent the Independent Members. All that can be said is that there are Independent Members who have not constituted a party.

Dr. A. G. Menon.—Does that show that we are not independent ?

President.—Just to differentiate from the Progressive Party, we have to call those who have not joined it, Independent Members.

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Dr. A. G. Menon.—When the Government and the Progressive Party join together, of course, they are bound to surrender.

Mr. O. R. Chummar.—And when we combine with the Government, what will you do?

Dr. A. G. Menon.—You succeed.

President.—We are voting, and we should exercise our judgment. So far as the Progressive Party is concerned, there is a joint view. There may be difference of opinion, but, on account of party discipline, you present one view. Official Members are bound as a party. They are bound by the Government view. That is the way in which we should understand party system in the true sense of the word. Our Legislative Council is not a council of parties.

The question of reading in the Council the 'Bill to amend the Cochin Code of Criminal Procedure' was put to the vote and was carried.

President.—Do you move for the suspension of Standing Order 32?

Mr. K. Achyuta Menon.—Sir, I wish that the Bill may be taken into consideration at once, and hence I request you to kindly suspend Standing Order 32.

President.—Allowed.

Mr. K. Achyuta Menon.—Sir, I beg to move that the 'Bill to amend the Cochin Code of Criminal Procedure' be taken into consideration.

Mr. T. K. Krishna Menon.—I second it.

The question that the 'Bill to amend the Cochin Code of Criminal Procedure' be taken into consideration was put to the vote and was carried.

Mr. O. R. Chummar.—If there is no opposition, is it necessary to put it to vote?

President.—Where is it stated? Will you please refer to the authority? A motion made must be carried in the House, unless it is withdrawn. The next step is that the President should read it clause by clause. The preamble should be read last. What is that Standing Order?

Mr. T. K. Krishna Menon.—Standing Order 41.

President.—Shall we discuss that clause? "In Chapter 42 section 416, the following section shall be inserted :—

"415 A. When any property, regarding which any offence appears to have been committed, or which appears to have been used to the commission of any offence, is produced before any Criminal Court during any enquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the enquiry or trial, and, if the property is subject to speedy or natural

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decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

The question that this section should form part of the Bill was put to the vote and carried.

President.—The preamble of the Bill is : "Whereas it is expedient to amend the Cochin Code of Criminal Procedure, Regulation II of 1086, it is hereby enacted as follows."

The question of passing the preamble was put to the vote and was carried.

President.—Do you move that it may be taken up and passed? Friday is the last day. We shall take it up on Friday.

Mr. K. Achyuta Menon.—Sir, I beg to move that a 'Bill to amend the Cochin Code of Criminal Procedure' be taken up and passed on Friday, the 17th of Vrischigam 1103.

Mr. T. K. Krishna Menon.—I beg to second it.

The question that the Bill to amend the Cochin Code of Criminal Procedure be taken up and passed at the meeting on the 17th of Vrischigam 1103 was put to the vote and was carried.

Resolutions on Matters of General Public Interest.

1. *The abolition of age-limit for retirement from Government Service.*

President.—We will now take the first resolution standing in the name of Dr. A. R. Menon.

Dr. A. R. Menon.—Sir, I beg to move the resolution standing in my name which runs thus:—"This Council recommends that the rule that an officer should retire on attaining his 55th year from the Government service may be deleted from the Service Rules." In moving this resolution, I may have to make a few observations. I wish to impress on the Members sitting on the opposite side that there is no intention to pass any personal reflection or to affront them. But this question on grounds of high policy should be settled one way or other, Sir. The object of retaining a law in the statute book is for its due observance. Of all the people, those who enacted the laws should be the first and foremost in observing the spirit and the letter of the regulations—their own product. If you do not observe your own laws, the result will be that the general public are more clearly entitled to disobey your own regulations. Hence when a law is not observed, it means that that law most probably has now become useless for our purposes. If it is useful, then I take it that the Government is bound to observe the implications involved in the explanation of this rule, that Government officials should be asked to retire on attaining the 55th year of their age. That is one point. In order that it may not have an evil moral effect upon our people,

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